

Answers to your questions about the state's Uninsured Employers Fund

All employers in the state of California are required by law to have workers' compensation insurance. Some employers don't obey this law. The state Uninsured Employers Fund (UEF) is a special fund used to pay the claims of employees who get injured or become ill while working for an illegally uninsured employer. UEF pays injured workers and later gets that money back from the uninsured employer.

To be eligible for UEF benefits you must take certain steps. The process may seem hard, but taking one step at a time will help. This fact sheet will give you information on the UEF. You also need a packet of information and forms, including Information and Assistance guides 16, 16 (A) and 16 (B). You can get this packet from your local Division of Workers' Compensation (DWC) Information and Assistance (I&A) officer.

Q: How do I find out if my employer has workers' compensation insurance?

A: Some employers use an insurance company and some employers are self-insured through a state program. In either case, your employer is required to post information about its workers' compensation insurance policy in the area where it posts other workplace information, like the minimum wage poster. The workers' comp poster should have the name, address and phone number of the person or company handling claims for your employer and the policy expiration date. If you're not sure whether your employer had insurance on the date you were injured, call the Workers' Compensation Insurance Rating Bureau (WCIRB) at 1-888-229-2472 to find out.

Q: What if my employer is uninsured?

A: It is illegal for an employer to run a business without workers' compensation insurance. Failure to obey this law can result in steep fines, having the business shut down, criminal charges and even jail time for the employer. Contact your local state of California, Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE) office and make a complaint if you believe your employer is operating without workers' compensation insurance.

Q: Will I receive the benefits I'm entitled to if my employer is uninsured?

A: Yes. You have several options for claiming those benefits. First, file a DWC 1 claim form (see I&A guide 1) with your employer and see if your employer will pay your medical bills and other benefits. Without insurance, your employer will pay benefits directly to you. In this situation you may also contact the Employment Development Department and apply for state disability insurance (SDI) benefits, which will make up for some lost income if you're unable to work.

If your employer is uninsured and unwilling or unable to pay your claim, you have the option of filing a lawsuit for benefits in civil court.

Your other option is to apply for benefits through the UEF. Contact the I&A officer at your local Workers' Compensation Appeals Board (WCAB) office to get the packet you need and more information on the process. The addresses and phone numbers of local offices are attached to this fact sheet. If you use the resources available at your local WCAB office and are willing to do the footwork, you may be able to get your benefits through a settlement with your employer. You may have to go before a workers' compensation judge to have your benefits "awarded" to you. The I&A officer will help you figure out your rights and options.

Q: How do I apply for benefits with the UEF?

A: First, open a case at your local WCAB office. See I&A guide 1. There are two special requirements you **must** meet to file a UEF claim:

1. You must correctly name your employer
2. You must notify your employer about your claim through a legal process called "service".

UEF can only pay your benefits if your employer is correctly named and served. If you go before a workers' compensation judge and receive an "award" for benefits, the UEF must pay them. The UEF can decide to pay your benefits before a judge issues your award, so you will want to file your papers with the WCAB and the UEF at the same time.

See I&A guide 16 for the step-by-step application process. See I&A guide 16 (A) for information on how to name your employer. See I&A guide 16 (B) for information on how to serve your employer. Remember, you **must** correctly name and serve your employer to get these benefits.

Q: I'm an undocumented worker. Am I entitled to benefits?

A: Yes. All California workers -- whether or not they are legally authorized to work in the United States -- are entitled to benefits if injured on the job. If you are not in the United States legally, you are not eligible for job placement services. You are eligible for medical treatment, temporary disability payments if you're unable to work while you recover, permanent disability payments if you are permanently disabled in some way as a result of your injury and death benefits. You may be eligible for re-training, depending on when you were injured.

Q: This process sounds complicated. Should I get an attorney?

A: This is a decision you have to make for yourself. If you take the process one step at a time you will find it simpler. You may also call an attorney to discuss your case. Your local I&A officer has a list of attorneys that practice workers' compensation law. You may also check the yellow pages of the phone book, the State Bar, or local bar association to find a workers' compensation attorney.

If you need one of the I&A guides or other help, call an I&A office or attend a workshop for injured workers. The local I&A phone numbers are attached to this fact sheet. You can also get information on local workshops and download the guides from the Web at <http://www.dir.ca.gov/dwc>.

The information contained in this fact sheet is general in nature and is not intended as a substitute for legal advice. Changes in the law or the specific facts of your case may result in legal interpretations different than those presented here.